

**DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS
Newell School District
Accountability Review - Focus Monitoring Report 2007-2008**

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Dates of On Site Visit: April 28 & 29, 2008

Date of Report: May 15, 2008

3 month update due:	August 15, 2008	Date Received:
6 month update due:	November 15, 2008	Date Received:
9 month update due:	February 15, 2008	Date Received:
Closed:		

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Indian children operated or funded by the Secretary of the Interior:
 - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
 - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
- (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
- (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)

State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

FAPE IN THE LEAST RESTRICTIVE ENVIRONMENT

Present levels: Onsite visit April 28 - 29//08

FAPE in the LRE – Performance Indicator

State Performance Plan - Indicator 3: Participation and performance of children with disabilities on statewide assessments:

1. Percent of districts meeting AYP objectives for progress for disability group.
2. Participation rate for children with IEPs in regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.
3. Proficiency rate for children with IEPs against grade level standards and alternative achievement standards.

Through review of seven files, data gathered by the review team indicated the following:

1. The accommodations were appropriate for the skills affected by the disability in 7 of 7 files.
2. The accommodations provided for State/District wide assessments were provided in the student's instructional program in 7 of 7 files.
3. The accommodations identified in the IEPs for State/District wide assessments were used during the assessment administration in 3 of 7 files.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: <ol style="list-style-type: none"> 1. The district will provide training for all elementary and high school special education staff and the testing coordinator in the area of accommodations. 2. The district will develop a process that will allow for the appropriate documentation and provision of accommodations that are listed in 	By the sixth month progress report	District	

the IEP for statewide testing.			
Data Collection: 1) The district will document date of training and names of staff who attended the training and the name/s of the presenter to the SEP. 2) The district will submit a description of the method they have developed to ensure the integrity of those accommodations provided during statewide testing and the IEP.			

3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

1. GENERAL SUPERVISION

Present levels: (Statement of present levels of performance that resulted in area of non-compliance from the report of 10-21-04)

ARSD 24:05:22:03 Certified Child

A certified child is a child in need of special education or special education and related services who has received a multidisciplinary evaluation and has an individual education program formulated and approved by a local placement committee. Documentation supporting a child's disabling condition as defined by Part B of the Individual with Disabilities Education Act must be maintained by the school district for verification of its annual federal child count. This definition applies to all eligible children ages 3-21 inclusive, and to only those children under the age of 3 who are in need of prolonged assistance.

A student listed on the child count as mentally retarded must be evaluated in the area of adaptive behavior to determine eligibility under Part B of the Individuals with Disabilities Education Act and to determine progress and the need for adult services. No adaptive behavior measure was completed in the most recent evaluation.

Follow-up: April 28 - 29//08

Finding: Two students, numbers 13 and 16, were incorrectly listed on child count. Student number 13 was placed as 510 (cognitive delay) and no adaptive was given at the time of the most recent evaluation. This student did not qualify for special education services. Student number 16 qualified as 525; however, on child count this student's disability is listed as 505. Student number 1, who was evaluated after the December child count, is listed as 525; however, the evaluation states that academic achievement scores are commensurate with cognitive ability.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: The IEP teams for the students noted above will meet, review, and evaluate, and/or amend the IEPs as necessary	September 08	District	

Data Collection: The district will submit a written summary of the actions taken for the two students. Documentation must include evaluation reports/scores and other relevant information for determining eligibility.			
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3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

2. GENERAL SUPERVISION

Present levels: (Statement of present levels of performance that resulted in area of non-compliance from the report of 10-21-04)

ARSD 24:05:04.02 Determination of needed evaluation data

As part of an initial or reevaluation, the individual education program team and other individuals with knowledge and skills necessary to interpret evaluation data, determine what evaluation data is needed to support eligibility and the child's special education needs. Through interviews and file reviews the monitoring team determined parental input into the evaluation process is not consistently completed prior to the completion of the prior notice. Through file reviews and interviews, the monitoring team noted special education teachers telephone parents and discuss upcoming evaluations; however, the information was not included in the student file.

Follow-up: April 28 - 29//08

Finding: Meets Requirement

Of the 22 files reviewed, there was documentation of either parent input into the evaluation, or documentation of an attempt to obtain such information.

Corrective Action: None

3. GENERAL SUPERVISION

Present levels: (Statement of present levels of performance that resulted in area of non-compliance from the report of 10-21-04)

ARSD 24:05:25:04. Evaluation procedures -- General. School districts shall ensure, at a minimum, that evaluation procedures include the following: (5) A variety of assessment tools and strategies are used to gather relevant functional, developmental, and academic information about the child, including information provided by the parents, that may assist in determining:

(a) Whether the child is a child with a disability; and (b) The content of the child's IEP, including information related to enabling the child: (i) To be involved in and progress in the general education curriculum; or (ii) For a preschool child, to participate in appropriate activities; (7) The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities; and 8) The evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.

Through the review of twenty student records, the monitoring team found the district staff did not consistently complete functional assessment during the 25 day evaluation timeline and the information was not used to develop present levels of performance. During interviews, special education staff reported a lack of understanding concerning gathering and reporting functional

assessment. As a result the students' present levels of performance, annual goals and short term instructional objectives did not link to evaluation.

Follow-up: April 28 - 29//08

Finding:

Through file reviews the team found that Newell School District does gather functional information and this information is linked to the present levels of performance and annual goals.

The team determined that the district's evaluation process is not consistently comprehensive. In two files a medical diagnosis was used to determine a disability category, without regard to the required state criteria. Needed evaluations were not on the prior notice in two files, in two more files evaluations that were not on the prior notice were given, and in one other file, an evaluation was listed but not given.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: District will provide training to all special education staff in the areas of referral and the determination of what evaluation should be completed based on the suspected disability/disabilities. Data Collection: 1. District will document date of training and names of staff who attended the training and the name/s of the presenter to the SEP. 2. District administrator will review all evaluation/reevaluation files during the reporting period and report the following: a) Name of student b) What suspected disability/disabilities the team was evaluating c) What areas the student was evaluated for d) Submit the Prior Notice/Consent for evaluation e) Submit the Prior Notice/Consent for Eligibility meeting f) Eligibility Document g) Front cover of the IEP	September 08 September 08 Prior to the ninth month progress report	District	

3 month Progress Report:

6 month Progress Report:

9 month Progress Report:

4. GENERAL SUPERVISION

Present levels: (Statement of present levels of performance that resulted in area of non-compliance from the report of 10-21-04)

ARSD 24:05:27:01.01 IEP team

Each school district shall ensure that the IEP team for each student with disabilities includes the following members:

- Parents of the student
- At least one regular education teacher of the student
- At least one special education teacher of the student
- A representative of the school district who:
 1. Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of students with disabilities;
 2. Is knowledgeable about the general curriculum; and
 3. Is knowledgeable about the availability of resources of the school district;
- An individual who can interpret the instructional implications of evaluation results,
- Other individuals who have knowledge or special expertise regarding the student including related services personnel as appropriate;
- If appropriate, the student; and
- Transition services participants.

Through the review of twenty files, the monitoring team determined team membership did not include the appropriate team members. Administrators did not consistently attend, regular education teachers at the middle school and high school level did not consistently attend and agency representatives did not attend IEP meetings; there was not information available in the student file to indicate the district obtained information from the agency to share at the IEP meeting.

Follow-up: April 28 - 29//08

Finding: Meets Requirement

All files reviewed had appropriate team membership.

Corrective Action: None

5. GENERAL SUPERVISION

Present levels: (Statement of present levels of performance that resulted in area of non-compliance from the report of 10-21-04)

ARSD 24:05:27:01.03 Content of IEP

Functional assessment and transition information must be used to develop the present levels of performance and must be linked to the annual goals and short term objectives. The location of the related services and the person responsible for providing special education and related services were not documented on the student IEP.

Follow-up: April 28 - 29//08

Finding: While functional and transition information was found in all 22 files; the team determined that in eight of the files that were examined, documentation of related and special education services continues to be a concern. Rather than defining the service (math, reading, etc.) it was either not addressed or statements such as 'assisted study hall' or 'inclusion services' were used.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure:			

<p>The district will meet with the special education teachers for the purpose of reviewing the IEP Technical Assistance Guide in the area of Special Education to be Provided (page 40).</p> <p>Data Collection: Each special education teacher will submit copies of two IEPs completed after reviewing the IEP Technical Assistance Guide.</p>	<p>September 08 and ongoing</p>	<p>District</p>	
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3 month Progress Report:
6 month Progress Report:
9 month Progress Report: